

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RYAN JAMES STEWART,

Petitioner,

No. 06-CV-12252-DT

vs.

Hon. Gerald E. Rosen

KENNETH ROMANOWSKI,

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PETITIONER'S APPLICATION
FOR A WRIT OF HABEAS CORPUS, ON THE MERITS

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 28, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter is presently before the Court on the April 7, 2009 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court dismiss Petitioner Ryan Stewart's application for a writ of habeas corpus as moot, or in the alternative, deny the application on the merits; and no timely objections to the Report and Recommendation having been filed; and the Court having reviewed and considered the R&R and the Court's entire file of this matter and having concluded that Stewart's application should be denied on the merits;¹ and being otherwise fully advised

¹ The magistrate judge recommends, in the alternative, that the Court find Petitioner's application to be moot because Petitioner has been released from custody.

in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of April 7, 2009 [**Dkt. # 18**] is adopted by the Court, to the extent the Magistrate Judge recommends that Petitioner's application for a writ of habeas corpus be denied on the merits.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, Petitioner Stewart's application for a writ of habeas corpus is DENIED. Accordingly,

IT IS FURTHER ORDERED this case be DISMISSED, in its entirety, with prejudice.

Let Judgment be entered accordingly.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: April 28, 2009

However, because he was incarcerated at the time he filed his petition, the Court may consider the petition on the merits, notwithstanding his subsequent release from custody. *See Carafas v. LaVallee*, 391 U.S. 234, 238 (1968); *York v. Tate*, 858 F.2d 322, 324 (6th Cir. 1988).

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 28, 2009, by electronic and/or ordinary mail.

s/Ruth Brissaud
Case Manager